

JANE M. AZIA, NY Bar # 1539600

Telephone: (212) 416-8727

Email: jane.azia@ag.ny.gov

LAURA J. LEVINE, NY Bar # 2337368

Telephone: (212) 416-8313

Email: laura.levine@ag.ny.gov

JOSEPH P. MUELLER, NY Bar # 5079389

Telephone: (212) 416-8321

Email: joseph.mueller@ag.ny.gov

GAVIN G. MCCABE, CA Bar # 130864

Telephone: (212) 416-8469

Email: gavin.mccabe@ag.ny.gov

Local Counsel

Attorneys for State of New York

28 Liberty Street, 20th floor

New York, NY 10005

(212) 416-8321

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JUAN QUINTANILLA VASQUEZ,
GABRIELA PERDOMO ORTIZ,
VICTOR HUGO CATALAN
MOLINA, and KEVIN CALEDERON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

LIBRE BY NEXUS, INC. and JOHN
DOES 1-50,

Defendants.

Case No. 4:17-cv-755-CW

**MOTION FOR LEAVE TO FILE
AMICUS BRIEF**

Hearing Date: December 9, 2020

Time: 2:30 P.M.

Judge: Hon. Claudia Wilken

1 The State of New York respectfully moves for leave to file a brief as *amicus curiae* in opposition
2 to the current proposed class action settlement (*see* Dkt. No. 144). A copy of the proposed brief, which
3 is joined by proposed *amicus curiae* the States of New York, Massachusetts, and Virginia (the “States”),
4 is attached as Exhibit A to this motion and includes a statement of the States’ interest in the matter. The
5 States respectfully submit that the proposed *amicus curiae* brief will assist the Court in addressing the
6 question of whether to approve the current proposed class action settlement.

7 The Attorneys General perform a unique role for the Court by addressing the fairness of class
8 action settlements. This role is recognized in the Class Action Fairness Act, which requires parties to
9 provide information to the Attorneys General about the proposed settlement before the fairness hearing.
10 28 U.S.C. § 1715(b).

11 A significant portion of the nationwide class members are residents of the States that join in this
12 *amicus* brief. The New York Attorney General’s Bureau of Consumer Frauds and Protection, the Virginia
13 Attorney General’s Consumer Protection Section, and the Massachusetts Attorney General’s Public
14 Protection and Advocacy Bureau investigate and take enforcement action on behalf of the public interest
15 and have relevant experience in bringing consumer harm to light and crafting appropriate remedies. And
16 the States currently are investigating defendant Libre by Nexus Inc, and its parent company Nexus
17 Services Inc., for *inter alia* potential violations of state consumer protection laws.

18 No party would be prejudiced by the filing of this *amicus* brief. This brief is being filed well in
19 time for all parties to respond. And under Federal Rule of Appellate Procedure 29(a)(2), “a state may
20 file an *amicus* brief without the consent of the parties or leave of court.”

21 For the foregoing reasons, the motion for leave to file the proposed *amicus* brief should be
22 granted. The proposed *amicus* brief is attached as Exhibit A. Pursuant to Civil L.R. 7-2(c), a copy of the
23 proposed order pertaining to this motion is attached as Exhibit B.

1 Dated: October 26, 2020
New York, NY

2 Respectfully Submitted,

3 **LETITIA JAMES**

4 Attorney General of the State of New York

5 By and Through:

6 /s/ Gavin G. McCabe

7 GAVIN G. MCCABE

8 JOSEPH P. MUELLER

Assistant Attorneys General

9 JANE M. AZIA

Bureau Chief

Bureau of Consumer Frauds and Protection

10 LAURA J. LEVINE

Deputy Bureau Chief

11 Bureau of Consumer Frauds and Protection

12 New York Office of the Attorney General

28 Liberty Street

13 New York, NY 10005

(212) 416-8321

14 The following Attorneys General join in this brief:

15 **MARK HERRING**

Attorney General for the Commonwealth of Virginia

16 202 North Ninth Street

17 Richmond, VA 23219

18 **MAURA HEALEY**

Attorney General for the Commonwealth of Massachusetts

19 One Ashburton Place, 20th Floor

Boston, MA 02108